REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated July 29, 2008. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 1-4, 6-9, 11-13, 16-18, and 21-25 stand for consideration in this application, wherein claims 1, 6, 9, 17, 18, and 22 are being amended.

All amendments to the application are fully supported therein. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Formal Rejections

Claims 1-4, 6-9, 11-13, 16-18, and 21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regard as the invention.

As set forth above, claims 1 and 6 are being amended so as to meet the requirements under 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the rejection of claims 1-4, 6-9, 11-13, 16-18, and 21 is respectfully requested.

Prior Art Rejections

The First 35 U.S.C. §103(a) Rejection

Each of claims 1-3, 6-11, 16-18, 21-23, and 25 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Bullock et al. (U.S. Pat. No. 5,170,609) in view of Moreland (U.S. Pat. No. 4,028,024). Applicants respectfully traverse this rejection for the reasons set forth below.

Claim 1

A packaging apparatus as recited in claim 1, comprises: a charging device for charging a granular object into a storage bag having an open end; an air removing device for expelling air from the storage bag into which the granular object has been charged; a sealing device for sealing the open end of the storage bag from which the air has been expelled; and a

heating device for heating the granular object before the storage bag is sealed so that a temperature of the granular object reaches a predetermined temperature. The granular object is constituted so as to adsorb a gas. The sealing device is actuated with a slight delay after the air has been expelled from the storage bag by the air removing device. The predetermined temperature is a substantially highest temperature which the granular object in the sealed bag is predicted to reach after the storage bag is sealed.

In the apparatus as recited in claim 1, before the sealing device seals the storage bag, the heating device heats up the granular object constituted so as to adsorb a gas to a predetermined temperature, which is substantially the highest temperature which the granular object in the sealed bag is predicted to reach after the storage bag is sealed. The heated granular object is then charged into the storage bag. The heated granular object emits a gas in the storage bag. The gas emitted from the heated granular object is expelled from the storage bag, and then the sealing device seals the open end of the storage bag. Consequently, the sealed bag including the granular object will not be expanded even when the granular object in the sealed bag reaches again the predicted highest temperature because the granular object in the sealed bag will not emit a gas again.

Bullock shows filling a package with content articles, expelling excess air from the filled package, and sealing the package. (See col. 9, lines 7-10.) The content articles 55 appear to be particles. (See Fig. 2.) However, as admitted by the Examiner, Bullock does not show a heating device as recited in claim 1.

The secondary reference of Moreland merely shows maintaining a gelatin substance at the proper fluidic temperature in a feed hopper 41. "The proper fluidic temperature" for a gelatin substance does nothing to the emission of a gas from the gelatin substance. Indeed, Moreland does not show or suggest explicitly or implicitly that the gelatin substance is constituted to adsorb a gas. Contrastingly, in a package apparatus as recited in claim 1, a granular object is heated up to the substantially highest temperature which the granular object in the sealed bag reaches after the storage bag is sealed in order to prevent the sealed bag from being expanded due to the emission of a gas from the granular object when the granular object is again situated at that temperature. Thus, the proper fluidic temperature of the gratin substance is irrelevant to "a predetermined temperature" recited in claim 1.

Furthermore, the gelatin substance in Moreland is clearly a fluid, NOT a granular object. As mentioned above, the content articles to be filled in the package in Bullock appear to be particles, NOT a gelatine. One of ordinary skill in the art would not be motivated to

heat the content articles of Bullock at the proper fluidic temperature, which is for maintaining a gelatin in fluid state.

In sum, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in claim 1 in view of Bullock and Moreland. Accordingly, claim 1 is not obvious in view of all the prior art cited.

Claims 6, 22

Claims 6 and 22 has substantially the same features as those of claim 1. As such, the arguments set forth above are equally applicable here. Claim 1 being allowable, claim 6 and 22 must also be allowable.

Claim 2, 3, 7-9, 11, 16-18, 21, 23, 25

As to dependent claims 2, 3, 7-9, 11, 16-18, 21, 23, and 25 the arguments set forth above with respect to independent claims 1, 6, and 22 are equally applicable here. The corresponding base claim being allowable, claims 2, 3, 7-9, 11, 16-18, 21, 23, and 25 must also be allowable.

The Second 35 U.S.C. §103(a) Rejection

Each of claims 4, 12, 13, and 24 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Bullock in view of Cullen (U.S. Pat. No. 3,990,872). Applicants respectfully traverse this rejection for the reasons set forth below.

As set forth above, Bullock fails to teach all the elements recited in claim 1, from which claims 4, 12, and 13 depend, and claim 22, from which claim 24 depends. The secondary reference of Cullen fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in Bullock. Therefore, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in claim 1, from which claims 4, 12, and 13 depend, and claim 22, from which claim 24 depends, by combining Cullen with Bullock. Accordingly, claims 4, 12, 13, and 24 are not obvious in view of all the prior art cited.

Conclusion

In light of the Amendments and Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344

Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200

September 29, 2008
SPF/JCM/YOM